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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,962	05/02/2000	JEAN-JACQUES CHEVREUL	P06682US0/RF	9611

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STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

EXAMINER
USTARIS, JOSEPH G

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/486,962	CHEVREUL ET AL.
	Examiner	Art Unit	
	Joseph G Ustaris	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _26 July 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _11-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _11-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is in response to the amendment dated 26 July 2004 in application

09/486,962.

The objection to the claims is now withdrawn in view of the amendments.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Kostreski et al. (US005635979A) in view of Renaud et al. (US005958051A) and Arnold

(US006175924B1).

Kostreski et al. (Kostreski) discloses a programmable digital entertainment

terminal (DET) or "digital television decoder platform" where it is able to download

applications or "operating software" from a downstream (See column 4 line 43 – column

5 line 65). Each application comes from one of many service providers or "operator"

selectable by the user (See column 9 lines 20-40) and the DET can receive applications

only intended for that particular DET using virtual circuit identifier/virtual path identifier

(VCI/VPI) or "filter fields", which are assigned to the DET (See column 17 lines 20-45).

The DET stores the application within the random access memory (RAM) or "program

memory" and the application is used to control the DET so that it can offer or decode

the services provided by the service providers (See column 4 lines 40-67 and column 7

lines 10-20). The service provider transmits the applications or "broadcasts messages"

periodically (See column 5 lines 20-40). When the DET is powered up a loader program

or "boot loader" is loaded and broadcasts the DETs identity or VCI/VPI or "filter fields"

(See column 11 lines 1-10) and the loader program is stored in ROM or

"protected...memory zone" (See column 9 lines 24-40). The applications are sent out

using asynchronous transfer mode (ATM) cells payload data where the VCI/VPI is used

to direct the ATM cells to specific DETs or "identifying the platform" or "if the result of

the filtering is positive" (See column 17 lines 20-45). However, Kostreski does not

disclose a method where (1) the applications are sent having electronic signatures and

verifying the authenticity of the signatures and (2) "if signature is verified, downloading

the operating software in a memory space of the platform".

(1) Renaud et al. (Renaud) discloses a system and method for implementing

digital signatures or "electronic signatures" for data streams and data archives. Renaud

sends a signature file or also known as a header along with the data that includes a

digital signature (See column 6 lines 50-67 and Fig. 3a). Furthermore, the authenticity of

the digital signatures is verified at the reception end (See Fig. 4; column 7 line 66 –

column 8 line 3). Therefore, it would have been obvious to one with ordinary skill in the

art at the time the invention was made to modify the applications sent by the service

providers disclosed by Kostreski to include a digital signature stored within a header

and to verify the authenticity of the digital signatures, as taught by Renaud, in order to

provide a means of securing and verifying the authenticity of the applications sent by

the service providers over the network.

(2) Kostreski in view of Renaud disclose various operations that are preformed

after the authenticity of the digital signatures are verified, i.e. "branding applets" and

establishing communications with various sites (See Renaud Figs. 6 and 7). Arnold

discloses a method of protecting application data using digital signatures. The system

verifies the authenticity of the digital signatures of the applications. If the signature is

positively verified or "being authentic" then the application or program is loaded or

"downloading the operating software in a memory space of the platform". If the

signature is not authentic, then the load process is aborted (See Arnold Fig. 4; column 5

line 66 – column 6 line 19). Therefore, it would have been obvious to one with ordinary

skill in the art at the time the invention was made to modify the system disclosed by

Kostreski in view of Renaud to perform the loading process of the program or

"downloading the operating software in a memory space of the platform" only "if the

signature is verified", as taught by Arnold, in order to ensure that the system is running

applications or programs that have not been modified.

Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kostreski et al. (US005635979A) in view of Renaud et al. (US005958051A) and Arnold

(US006175924B1) as applied to claim 11 above, and further in view of Lett

(US005771064A).

Regarding claim 12, Kostreski in view of Renaud and Arnold transmits the applications as ATM cells or "data" to be stored within the RAM as discussed in claim 11. However, Kostreski in view of Renaud and Arnold does not disclose a method where the applications are transmitted and copied at a respective address supplied by the header.

Lett discloses a home communications terminal or DET that is also upgradeable by downloading applications. The applications are also sent with a header, wherein the header includes addresses of the destination banks of the RAM where the application data is going to be stored at (See column 13 lines 35-50 and Fig. 7). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the header disclosed by Kostreski in view of Renaud and Arnold to include addresses of the destination banks of the RAM where the application data is going to be stored, as taught by Lett, in order to provide a simple means of transferring and storing data to the memory.

Regarding claim 13, Renaud also discloses that the header can contain information about the name of the file, the version of the file, or "description of the respective application" (See column 6 lines 50-67). Also the header can have descriptions for each of the data files or "data blocks".

Regarding claim 14, Official Notice is taken that it is well known to include error correction code in data being transmitted over a network. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the applications sent by the service providers disclosed by Kostreski in view of Renaud

and Arnold and in further view of Lett to include error correction code in order to ensure

that the application is correctable at the receiver if any errors occur during transmission.

Regarding claim 15, the header file also includes the version of the file or

"software" or "identity of the current version of the software" (See claim 13).

Regarding claim 16, the DET broadcasts information associated with the services

provided by the service providers or "SI or PSI information", which are compared or

"associated" with the applications available for download, wherein the information

broadcasted includes the identity of the DET and the current version of the applications

already stored on the DET or "identity of a current version of the software loaded in the

platform" (See Kostreski column 11 lines 1-25).

Regarding claim 17, Kostreski in view of Renaud and Arnold disclose that the

digital signatures are encrypted using various techniques, i.e. RSA and DSA (See

Arnold column 5 lines 30-43).

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kostreski et al. (US005635979A) in view of Laubach et al. (US006081533A).

Regarding claim 18, Kostreski et al. (Kostreski) discloses a programmable digital

entertainment terminal (DET) or "digital television decoder platform" where it is able to

download or "extract" applications or "operating software" from a downstream or "data

stream" (See column 4 line 43 – column 5 line 65). Each application comes from one of

many service providers or "operator" selectable by the user (See column 9 lines 20-40)

and the DET can receive applications only intended or "authenticate the application" for

that particular DET using virtual circuit identifier/virtual path identifier (VCI/VPI) or

"identification keys", which are assigned to the DET (See column 17 lines 20-45). The

DET stores the application within the RAM or "program memory" and the application is

used to control the DET so that it can offer the services provided by the service

providers (See column 4 lines 40-67 and column 7 lines 10-20). The service provider or

"broadcasting station" transmits the applications after it checks the current version of the

application currently loaded on the DET. The check is performed every time the user

changes service providers thus "repetitively" transmitting applications when necessary

(See column 11 lines 1-25). The application is sent out using asynchronous transfer

mode (ATM) cells payload data or "sequence of blocks" where the VCI/VPI is used to

direct the ATM cells to specific DETs (See column 17 lines 20-45). However, Kostreski

does not disclose a general-purpose process module that performs the system

described above.

Laubach et al. (Laubach) discloses a method and apparatus for an application

interface module (AIM) in a subscriber terminal unit where one of the AIM could be used

to provide ATM transmissions for the subscriber terminal unit or DET (See Fig. 14 and

column 16 lines 25-40). Multiple AIMs are available to provide different functions to the

subscriber terminal unit. Therefore, it would have been obvious to one with ordinary skill

in the art at the time the invention was made to modify the process performed by the

DET disclosed by Kostreski to be carried out in an AIM and to allow the DET to accept

AIMs, as taught by Laubach, in order to provide the DET a convenient means of

upgrading without purchasing a new DET.

Regarding claim 19, the DETs or AIM contain a processor, RAM or "volatile

memory", and ROM or "non-volatile memory zone", which is protected (See Kostreski

column 7 lines 10-20 and Laubach Fig. 14).

Regarding claim 20, Kostreski discloses that the ROM could also be flash

memory (See column 9 lines 40-55).

Response to Arguments

3.   Applicant's arguments filed 26 July 2004 have been fully considered but they are

not persuasive.

Applicant argues that Kostreski does not teach or suggest securing

communications between the server and DET. However, Kostreski does disclose a

system that establishes communications between the server and DET where a data

stream is used to transfer data. Renaud discloses a system for providing digital

signatures for data streams thereby providing secure data over the established

communications line. Therefore, Kostreski in view of Renaud meet the limitations of the

claims as recited.

Applicant also argues that Kostreski does not teach or suggest that the DET can

be operable with various modules, i.e. AIMs. However, Kostreski discloses that the DET

has a PCMCIA port (See Fig. 1, 155) that is used to connect to various modules or

devices, i.e. memory cards or "smart cards" and other data processing capabilities (See

column 12 lines 28-58). Furthermore, applicant notes that the AIMs of Laubach are

interchangeable, whereas the applicant's invention does not require such

interchangeability. However, the claims do not recite such limitations that exclude such environment.

It is noted that that the previous Office Action contained Official Notice statements which have not been traversed by the applicant. Therefore, these statements have therefore been taken as admissions of prior art as dictated by MPEP § 2144.03.

In conclusion, applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G Ustaris whose telephone number is 703-305-0377. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.
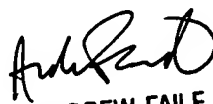
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGU
January 4, 2005

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600